

DEPARTMENT OF PERSONNEL & ADMINISTRATION DUTIES OF THE STATE PERSONNEL DIRECTOR

By statute the State Personnel Director is required to review most contracts, purchase orders or other agreements, which are utilized by state agencies to acquire personal services. HB 1212 was the legislation adopted during the 92-93 legislative session, as a response to a series of negative legal decisions issued against the state. The lawsuits came about to stop agencies from privatizing functions previously/historically performed by personnel system employees. These statutes and relevant administrative procedures make virtually all agreements for personal services reviewable by the Director.

The primary purpose of the Director's review and approval is to assure that the Civil Service amendment to the State Constitution (Article XII, Sections 13-15) and relevant statutes (24-50-501 et.seq.) are not implicated through the use of personal service agreements. The privatization legislation established the measurement criteria for those agreements, which either do or do not implicate the personnel system.

Chapter 10 of the Personnel Director's Administrative Procedures establishes the evaluation criteria that the Director will apply in the review of personal services agreements for all state agencies and institutions of higher education in the Executive Branch of State Government. It is imperative that anyone involved in the State contracts/procurement processes read and comprehend these procedures prior to preparing or processing any agreement. The state Personnel Director has delegated the contract/agreement review responsibilities to a staff member of the Division of Human Resources of the Department of Personnel & Administration.